

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES DUNNIHOO,

Defendant.

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Case No. 07-3133-01-CR-S-GAF

ORDER

Now pending before the Court is Defendant's Motion to Suppress Evidence (Doc. #36), in which Defendant argues that (1) law enforcement officers improperly expanded the scope of the traffic stop without a reasonable suspicion of criminal activity and, consequently, the length of his traffic stop was unreasonable and amounted to a *de facto* arrest unsupported by probable cause, and (2) the canine sniff of his vehicle lacked sufficient reliability to establish probable cause to search his vehicle.

On January 26, 2009, and February 23, 2009, United States Magistrate Judge John T. Maughmer conducted an evidentiary hearing on Defendant's motion. On June 30, 2009, Defendant's Objections to the United States Magistrate's Report and Recommendation (Doc. #75) were filed.

Upon careful and independent review of the pending motion, Defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress Evidence
(Doc. #36) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: July 1, 2009